Paglinawan v. Frey Doc. 56

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE "A MILLION LITTLE PIECES" LITIGATION	No. 06-md-1771 Hon. Richard J. Holwell

DECLARATION OF EVAN J. SMITH, ESQUIRE PURSUANT TO THE PRELIMINARY APPROVAL ORDER

I, Evan J. Smith, Esquire, hereby declares:

1. I am an attorney, duly licensed and admitted to practice law in the State of New York and in this Court. I am a partner in the law firm of Brodsky & Smith, LLC, Class Counsel in these proceedings. I have personal knowledge of the facts set forth in this Declaration. If called upon and sworn as a witness, I could and would competently testify to these facts.

2. Pursuant to this Court's Order preliminary approving the Class Action Settlement, Class Counsel is to advise the Court no later than September 7, 2007 of all class members who have opted out of the class settlement.

3. As of September 7, 2007, there was only one individual who advised either class counsel, defense counsel and/or the claims administrator of his/her desire to opt out of the settlement. This individual sent a handwritten letter to the claims administrator indicating that he/she did "not wish to be a member of the settlement class." The individual's name is E. Peters and there was no address or telephone number on the letter.

4. Attached hereto as Exhibit "A" is a true and correct copy of E. Peter's opt-out letter for the Court's review.

5. There were no other individuals who opted out of the settlement.

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I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: September 7, 2007

/s Evan J. Smith, Esquire (ES3254)
Evan J. Smith, Esquire (ES3254)

PROOF OF MAILING

I, Evan J. Smith, Esquire, am over the age of eighteen and am not a party to this action and I hereby certify that I filed this Declaration pursuant to the SDNY ECF filing on this 7th day of September, 2007.

s/ Evan J. Smith, Esquire (ES3254)
Evan J. Smith, Esquire (ES3254)